

Policing in Mormon Nauvoo

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When Latter-day Saint Prophet Joseph Smith founded Nauvoo in 1839, the modern urban uniformed police force had just started to emerge in major cities of the United States. The establishment and subsequent history of Nauvoo's agents for societal control followed a standard Anglo-American pattern of law enforcement development. At first, the community relied on the traditional constables and a town marshal. Escalating lawlessness, however, forced the creation of a night watch. When the watch proved inadequate, a modern, organized police force was established. It is amazing how rapidly that evolution occurred. Within three years, Nauvoo

jumped from constables to a full-time day-and-night police force, a process that often took decades in other communities.

A unique, primary mission of the police force was to provide personal security for the Latter-day Saint hierarchy. The creation of a police force enabled Smith and his successor, Brigham Young, to have a completely loyal and legal group of armed men at their beck and call. Even when Nauvoo had no civil government for about three months in 1845, Young believed that the need for a police force was so imperative that he approved the formation of two church-sponsored vigilante units. Those two groups, the Bishop and Deacons Guard and the Whistling and Whittling Brigade, provided security and peace of mind to the residents of Nauvoo. That duality of civil and religious authority manifested itself in Nauvoo from the town's founding.

From October, 1839, to January, 1841, the Latter-day Saint High Council of the Nauvoo Stake acted as the *de facto* civil government for the new settlement. The council's power stemmed from its position as the central ruling body that "governed members, arbitrated disputes, investigated misconduct, and oversaw the ecclesiastical and

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religious life of Mormons within the stake's boundaries.¹

During the first year of Nauvoo's existence, the high council evidently relied on unofficial law enforcement groups to keep order in the growing community. Smith had established a personal bodyguard unit as early as 1834. Another source of manpower that the high council could call upon was former members of the Danite organization, a band of Mormons led by Sampson Avard who terrorized non-Mormons in Missouri during the 1830s. Members of the high council were familiar with both groups, since more than half of them had served as either a Danite or as one of Smith's bodyguards.²

By October, 1840, residents of Nauvoo decided that they needed a secular civil government and more adequate law enforcement. At a general conference of church members held in Nauvoo on October 3-5, a petition was drafted to ask the Illinois General Assembly to pass a bill to charter or incorporate the city of Nauvoo as a legal entity. At the same meeting, Smith "stated that there had been several depredations committed on the citizens of Nauvoo." He wanted "a committee . . . appointed, to search out the offenders, and bring them to justice." Conference members quickly appointed a committee of seven, including Smith, to look into the problem.³

The proposals introduced at the conference soon bore fruit. The *Nauvoo Times and Seasons* claimed on November 1, 1840: "This place has been infested, of late with a gang of *thieves*," but members of our "community are awake to ferret them out." By December 17, the Nauvoo Charter bill had passed the general assembly, and the secularly authorized local government went into effect on February 1, 1841.⁴

The charter also provided for the Nauvoo Legion (a local militia unit), the University of Nauvoo, and the Nauvoo City Council. The city council consisted of a mayor, four

aldermen, and nine councilors, all of whom were elected to two-year terms. The mayor and the aldermen also had the judicial power of local justices of the peace and could conduct legal proceedings as the municipal court. In addition, the charter gave the city council the right to appoint a marshal, who would have the powers and responsibilities usually associated with the office of constable. The city council also had the power to organize and establish fire companies, divide the city into wards, regulate the police of the city, provide for lighting the streets and erecting lamp posts, and establish, support, and regulate night watches. One controversial section of the charter stated that the Nauvoo Legion "shall be at the disposal of the mayor in executing the laws and ordinances of the city corporation, and the laws of the State."⁵

¹*History of the Church of Jesus Christ of Latter-Day Saints*, 2nd rev. ed. (1896-1963; rpt. Salt Lake City: Deseret Book Co., 1978), II, 31-32, 122, 136, 273, 481; *The Doctrine and Covenants of the Church of Jesus Christ of Latter-Day Saints* . . . (1880; rpt. Westport, Conn.: Greenwood, 1971), pp. 359-63; James L. Kimball, Jr., "A Wall to Defend Zion: The Nauvoo Charter," *Brigham Young University Studies*, 15 (1971-1975), 491-97; D. Michael Quinn, *The Mormon Hierarchy: Origins of Power* (Salt Lake City: Signature Books, 1994), p. 59; Kenneth W. Godfrey, "Crime and Punishment in Mormon Nauvoo, 1839-1846," *Brigham Young University Studies*, 32 (1992), 197-98.

²*History of the Church*, II, 88, IV, 12, 296; Quinn, pp. 84, 92-103, 342n-43n, 479-90.

³*Times and Seasons* (Nauvoo), Oct., 1840, p. 185, col. 2, p. 186, cols. 1-2, p. 187, col. 1; *History of the Church*, IV, 204-05.

⁴*Times and Seasons*, Nov. 1 (p. 204, col. 1), Dec. 15 (p. 256, col. 1), 1840, *History of the Church*, IV, 299-49.

⁵*Times and Seasons*, Jan. 15, 1841, pp. 281-86, cols. 1-2; *History of the Church*, IV, 299-48; Kimball, "A Wall to Defend Zion," pp. 491-97, and "The Nauvoo Charter: A Reinterpretation," *Journal of the Illinois State Historical Society*, 64 (1971), 66-78; Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965), pp. 100-01.



The Times and Seasons—a Mormon newspaper founded by Ebenezer Robinson and Don Carlos Smith, brother of Joseph Smith—began publication in 1839. The Nauvoo newspaper moved to the office pictured above in 1842.

On February 1, 1841, Nauvoo voters elected a city council. The new council formally met on February 3, when they chose Henry G. Sherwood, one of the original members of the high council and a Smith bodyguard, as the first city marshal. At its March 1 meeting, the city council divided Nauvoo into four wards and provided for the appointment of one high constable, or local policeman, for each ward to help Sherwood keep the peace. One was a Smith bodyguard, two were former Danites.

Sherwood and his constables served as the major policing institution from March, 1841, until December, 1843.⁶

Among the duties of the marshal and his constables were enforcing the attendance of aldermen and councilors at city council meetings, serving warrants, executing search warrants, providing provisions for city prisoners, keeping order at public meetings, and questioning and detaining strangers, vagrants, and disorderly persons. Another activity that Sherwood possibly engaged in was providing "protection" to "Saints" who robbed non-Mormons in the area surrounding Nauvoo. On September 20, 1841, virulent anti-Mormons David Wells Kilbourne and Edward Kilbourne wrote to the Burlington *Hawk-Eye and Iowa Patriot* accusing Sherwood of probably sharing the "plunder" that had been taken from the Kilbourne warehouse at Montrose, Iowa. Sherwood continued as marshal until

⁶*Times and Seasons*, Feb. 1 (p. 309, col. 1), Feb. 15 (p. 319, col. 2), March 1 (p. 335, col. 1, pp. 336-37, cols. 1-2, p. 338, col. 1), 1841; *History of the Church*, IV, 12, 287-92, 305-08.

December 21, 1843, when the city council chose a former Danite, John P. Greene, as his successor.⁷

During 1841 and 1842 the marshal and his constables were not the only guardians of law and order in Nauvoo. On at least three occasions, the mayor and the city council called on the Nauvoo Legion for assistance. On October 30, 1841, the city council declared a local grog shop a public nuisance. It then ordered two companies of the Nauvoo Legion to demolish the building. On December 15 the *Nauvoo Times and Seasons* mentioned the disbanding of a city watch and the requisition of a new watch "detailed from the military forces of the Corporation."⁸

Evidently a more permanent type of watch was needed. On May 19, 1842, newly elected Mayor Smith received authority from the city council to establish a night watch to protect the city from "the designs of our enemies." The next day eight members of the Nauvoo Legion were ordered to maintain a twelve-hour watch in Nauvoo from 6 P.M. to 6 A.M. Two of the watchmen were Smith's bodyguards. The eight men reported directly to the mayor before going on duty and again after going off duty. That watch had some law enforcement powers since one of the men detailed for the duty was former Danite Dimick B. Huntington, who also held the office of constable. By June 3, Smith had enlarged the watch with eight more men from the Nauvoo Legion. Smith, as mayor and lieutenant general of the Nauvoo Legion, considered the legion an agent of law and order. On August 14 he ordered Major General Wilson Law to utilize the militia in any emergency situation to preserve "the peace of the city of Nauvoo."⁹

It would seem that Smith established a permanent Nauvoo city watch in response to the apostacy of John Cook Bennett. Tensions increased in the spring of 1842, when Bennett, who had been mayor of Nauvoo, a major general in the Nauvoo

Legion, and an advisor to Smith, publicly broke with the Mormon church and denounced it. Bennett asserted that Smith and the church hierarchy were planning to set up their own independent country in the western United States. He also believed that Smith and the Mormon church promoted the doctrine of celestial marriage (plural marriage or polygyny) and sanctioned secret murders by Latter-day Saint zealots who were former Danites. On July 23, 1842, to repair the damage caused by Bennett's declarations, William Smith (brother of Joseph), in his newspaper the *Nauvoo Wasp*, accused Bennett of practicing "adultery, fornication, and . . . (buggery)."¹⁰

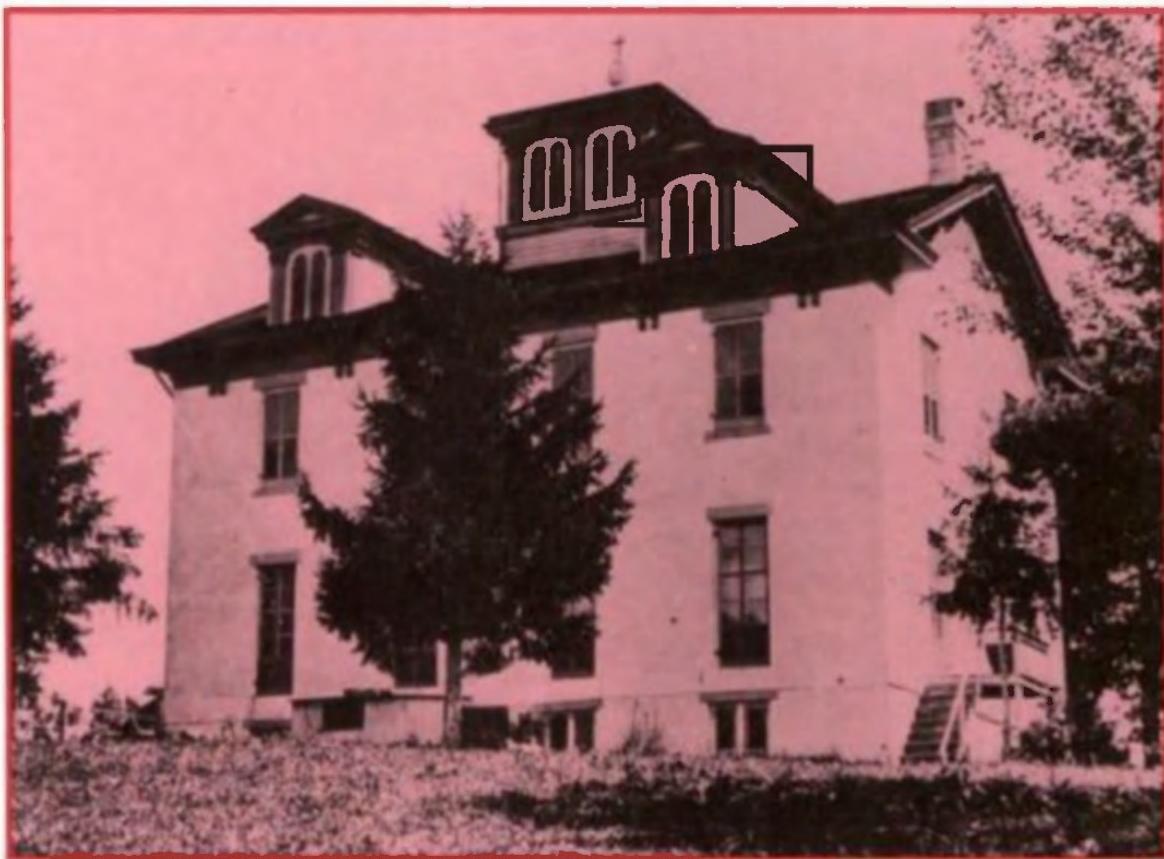
Problems with Bennett's apostacy and a growing Nauvoo population fueled the need for a vigilant, organized police force. On January 30, 1843, the city council passed an ordinance formally providing for a city watch and designated a "Captain of the Police," who acted under the authority of the mayor. The ordinance also mentioned a

⁷ *History of the Church*, IV, 352-53, 467, V, 292, 300, 400, 457, VI, 124; *Warsaw Signal*, Oct. 6, 1841, p. 2, col. 6, p. 3, col. 1; John C. Bennett, *The History of the Saints; or, an Expose of Joe Smith and Mormonism* (Boston: Leland & Whiting, 1842), pp. 89-93; Warren A. Jennings, ed., "Two Iowa Postmasters View Nauvoo: Anti-Mormon Letters to the Governor of Missouri," *Brigham Young University Studies*, 11 (1970-1971), 227n; Quinn, p. 481.

⁸ *History of the Church*, IV, 442, 444-45; *Times and Seasons*, Nov. 15 (p. 599, col. 2, p. 600, col. 1), Dec. 15 (p. 637, col. 1), 1841; *Warsaw Signal*, Dec. 8, 1841, p. 2, col. 3.

⁹ *History of the Church*, IV, 308, V, 12-13, 93; *Wasp* (Nauvoo), May 21 (p. [3], col. 4), June 4 (p. [3], col. 4), 1842; *New York Herald*, June 17, 1842, p. 2, col. 2; John Sweeney, Jr., "A History of the Nauvoo Legion in Illinois," Thesis Brigham Young University 1974, pp. 60-61; Quinn, pp. 342n-43n, 479-90.

¹⁰ *History of the Church*, V, 79-80; *Wasp*, July 23, 1842, p. [2], col. 2, p. [3], col. 1.



The Nauvoo Legion Arsenal. Prophet Joseph Smith and the Nauvoo City Council often used the legion as a primary agent for law and order.

"house or building" for the use of the watchmen. The watch operated in addition to the marshal and his constables—all three are listed in an ordinance passed by the council on June 29 concerning strangers. The night watch did not prove completely satisfactory, however, because on December 29 the city council formally organized the Nauvoo City Police.¹¹

When individuals from Missouri kidnapped Mormon church members Philander Avery on November 19, 1843, and his father, Daniel Avery, on December 2, residents of Nauvoo became convinced that they needed a full-time police force. The Missourians, aided by anti-Mormon residents of Hancock County, spirited the Averys across the Mississippi River into Clark County, Missouri, where Missouri courts charged the Averys with the alleged crime of horse stealing. Smith ordered both the city marshal and members of the Nauvoo Legion to prepare to rescue the two men. Ultimately the Averys did not have to be liberated by the Mormons. Philander Avery escaped from his Missouri jail, and his father, Daniel, was released due to a writ of habeas corpus.¹²

¹¹ *Wasp*, Feb. 8, 1843, p. [1], cols. 2–4, p. [2], col. 1; *Nauvoo Neighbor*, July 5, 1843, p. [2], cols. 5–6; *History of the Church*, V, 263, 457, VI, 149–53.

¹² *Times and Seasons*, Nov. 1, 1843, p. 375, col. 2, p. 376, col. 1; *Nauvoo Neighbor*, Dec. 20, 1843, p. [2], cols. 5–6; *History of the Church*, VI, 100, 109–04, 108, 113, 119–20, 122–23, 143, 145–48.

Emotions over the Avery incident ran so high in Nauvoo that mass meetings were held in every ward of the city. Residents drafted petitions to the city council requesting that a company of forty men be raised to act as a police force. On December 12 the city council passed an ordinance providing for a paid force of forty policemen who would act as "daily and nightly Watchmen" to maintain "the peace and dignity of the citizens."¹³

The problem of how to protect Latter-day Saints from being kidnapped and taken to Missouri prompted the creation of the Nauvoo police, but Smith may also have established the new force to allay non-Mormon fears of the military power of the Nauvoo Legion. In a December 12, 1843, letter, Illinois Governor Thomas Ford wrote to Smith that the "Militia [Nauvoo Legion] can only be called out to repel an invasion, suppress an insurrection, or on some extreme emergency; and not to suppress, prevent, or punish individual crimes." Ford questioned Smith's utilization of the legion as a posse comitatus. The organization of a police force allowed Smith the legitimate opportunity to keep a group of armed men on duty at all times.¹⁴

The organizational format of the new Nauvoo City Police seems to imply a force established to maintain law and order and to be the advance guard in the case of an anti-Mormon attack on the city. The city council swore in the forty policemen on December 29, 1843. The high policeman (or captain) was Jonathan H. Dunham. Three of the policemen—Daniel Carn, Shadrack Roundy, and Josiah Arnold—had been members of the night watch that had been established in mid-1842. Like many modern police forces, the Nauvoo police exhibited a paramilitary organizational hierarchy. The command structure of the force, with the exception of Dunham, contained such military ranks as lieutenant, ensign, sergeant, and corporal. In addition,

the group had two fifers, two drummers, and one pioneer. In the early nineteenth century, the drum and fife were the traditional means of communication by which infantry officers in the United States Army issued orders to their men. In the late eighteenth and early nineteenth centuries, the term "pioneer" usually referred to individual soldiers "detailed to clear obstructions placed in the line of march or before enemy fortifications, dig trenches, and construct bridges and roads." That all of the five officers and two of the four sergeants held commissions in the Nauvoo Legion offers further evidence of the military orientation of the Nauvoo police.¹⁵

Smith may have also envisioned the new organization as an internal security force or secret police. Nearly one-third of the new group was made up of former Danites and Smith's bodyguards. The three top officers—Dunham, Charles Coulson Rich, and Hosea Stout—had prior documented service as Danites in Missouri. Some Nauvoo residents suspected a resurgence of Danite vigilantism. Smith exacerbated the situation in his speech to the new policemen on December 29. He first told them: "Keep a strict account of the time you serve as policemen," "study" and "enforce the

¹³ *Nauvoo Neighbor*, Dec. 13, 1843, p. [2], col. 5; *History of the Church*, VI, 110–11.

¹⁴ *History of the Church*, VI, 113.

¹⁵ *Ibid.*, IV 294–96, VI, 149–50; D. H. Mahan, *An Elementary Treatise on Advanced-Guard, Out-Post, and Detachment Service of Troops . . .* (New York: John Wiley, 1862), pp. 83–104; *Nauvoo Neighbor*, Jan. 24, 1844, p. [2], col. 6; Harold L. Peterson, *The Book of the Continental Soldier . . .* (Harrisburg, Pa.: Stackpole Co., 1968), pp. 188–93; Paul K. Walker, *Engineers of Independence: A Documentary History of the Army Engineers in the American Revolution, 1775–1783* (Washington, D.C.: Historical Division, Office of Administrative Services, Office of the Chief of Engineers, 1981), p. 381; Sweeney, pp. 60–61, 187, 190, 193, 201, 203, 204.



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[city] ordinances, . . . preserve the peace of the city," and "Let no horses be taken away out of the city, or anything else stolen, if you can help it." Fear for his personal security prompted Smith to condone agent provocateurs. He promised that the city would double any bribe a policeman might receive while on duty if he reported the incident to the mayor. In light of the recent

Avery incident, Smith warned the men to avoid trouble and stay out of Missouri. Unfortunately, the mayor also proclaimed that a Brutus or Judas existed within Nauvoo.¹⁶

Smith's address to the police created such a stir in the community that the city council had to hold special meetings on January 3 and 5, 1844, to investigate the fears of some citizens that Smith had given "private instructions" to the policemen to put his enemies "out of the way." The mayor denied any secret conversations with the policemen and claimed that he had only told "Brother Dunham,—If any man approach my house with arms, or attempted to disturb my house, I wanted the police to take care of that individual, whoever he might be." To allay some of the fears about the new force, Smith "instructed the police to lay up their arms" and suggested that they carry "canes" instead.¹⁷

The city council undoubtedly mollified some of the public concerns about the police force with its special hearings, but the unit's problem of furnishing personal security and safety for Smith and other church leaders remained. On January 16, to help with that concern, the city council authorized "Henry G. Sherwood to make out a city directory, and to establish an intelligence office in the city." The directory was to include the names of all householders in Nauvoo, their place of residence or business, and their profession or occupation. Sherwood was the former city marshal, so that new position probably had something to do with identifying and keeping track of suspicious persons in and around Nauvoo. The city police clearly continued to supply protection for the Mormon hierarchy because on April 7 they were keeping order and providing crowd control at the church conference in Nauvoo.¹⁸

During the spring of 1844 public order almost broke down. Dunham gained additional law enforcement powers on March 1

¹⁶Quinn, pp. 479–90, 342n–43n; Juanita Brooks, ed., *On the Mormon Frontier: The Diaries of Hiram Stoult, 1844–1861* (Salt Lake City: University of Utah Press, 1964), I, xv, 5n; *History of the Church*, VI, 150–53, 164–65.

¹⁷*History of the Church*, VI, 162–70, 175.

¹⁸Ibid., VI, 179, 297; *Nauvoo Neighbor*, Jan. 24, 1844, p. 2, col. 6.

when he took the oath of office to be "Warfmaster [sic] of the city of Nauvoo." Many early nineteenth-century river towns entrusted their local peace officer or marshal with the extra duty of wharfmaster. Riverfronts, levees, and "Front Street[s]" often served as gathering spots for the "dregs of humanity" and thus became local centers of petty crime, drunkenness, and public brawling. Dunham's new responsibility clearly indicates that the Nauvoo city fathers considered the waterfront a corrupt and dangerous place. On Friday night, March 29, Rollason and Finch's store in Nauvoo was entered and money and property were stolen. Suspicion fell on a black man by the name of Chism. A mob gathered and took Chism out into the woods and gave him a beating or lashing. Violent solutions to legal and religious problems began to be seen in Nauvoo.¹⁹

That same spring, Nauvoo residents witnessed an eruption of religious apostacy and social conflict within their community. Much of the trouble grew out of the disenchantment of William Law, Wilson Law, Charles Ivins, Francis M. Higbee, Chauncey L. Higbee, Robert D. Foster, and Charles A. Foster with Smith. Several of the men had previously been cut off from the Mormon church. They considered Smith a "tyrant" and a "fallen prophet." The seven men complained about Smith's dictatorial abuse of religious and civil powers, but their primary dissatisfaction was the Prophet's July 12, 1843, revelation advocating plural marriage among the Saints. The issue of plural marriage was so explosive that when the dissidents published the prospectus for a new newspaper, the *Nauvoo Expositor*, on May 10, 1844, they did not refer specifically to the subject of multiple wives. Instead, the men claimed that the paper would "censure and decry gross moral imperfections wherever found, either in the plebeian, patrician or SELF-CONSTITUTED MONARCH." Needless to say, the June 7 publication of the

Expositor promoted additional discord and turmoil in the community.²⁰

The Nauvoo city marshal and the police force strongly supported Smith in the *Expositor* controversy. Police First Lieutenant Rich replaced apostate Wilson Law as major general of the Nauvoo Legion on April 29. On June 10 the acting major general of the legion was Dunham. Three days after the publication of the first issue of the *Expositor*, the city council met and declared the paper a public nuisance. Smith then ordered John P. Greene and Dunham to demolish the printing press. In the early evening of June 10, 1844, Greene led two companies of the Nauvoo Legion, under Dunham and Stephen Markham, to the *Expositor* office where they "removed the press, type, printed paper, and fixtures into the street, and destroyed them." Evidently some confusion existed over which of Nauvoo's law enforcement institutions carried out Smith's orders. The *Nauvoo Neighbor* of June 12 said that the city marshal was "at the head of the police." Undeniably, Dunham was present at the *Expositor* affair; so it is very possible that the posse also included additional policemen.²¹

¹⁹ *Nauvoo Neighbor*, March 13 (p. [2], col. 3), April 9 (p. [2], cols. 2-3), 1844; *History of the Church*, VI, 229, 281, 284-85; Philip D. Jordan, "The Town Marshal and the Police," in *People of the Plains and Mountains: Essays in the History of the West, Dedicated to Everett Dick*, ed. Ray Allen Billington (Westport, Conn.: Greenwood, 1973), pp. 105-06; *Warsaw Signal and Agricultural, Literary and Commercial Register*, April 10, 1844, p. 2, col. 1.

²⁰ *History of the Church*, VI, 283, 344, 346-48, 350, 362, 430, 443-44; *Doctrine and Covenants*, pp. 463-74.

²¹ *Nauvoo Neighbor*, June 12 (p. [2], col. 3, p. [3], col. 1), June 19 (p. [2], cols. 5-6, p. [3], cols. 1-5), 1844; *Warsaw Signal and Agricultural, Literary and Commercial Register*, June 12, 1844, p. 2, cols. 4-5; *History of the Church*, VI, 149, 348, 355-56, 432, 448, 456, 459-60, 488-89; John E. Hallwas and Roger D. Launius, eds., *Cultures in Conflict: A Documentary History of the Mormon War in Illinois* (Logan: Utah State University Press, 1995), pp. 156-59.

The publishers of the *Expositor* reacted quickly to the press's destruction, and on June 11 they swore out a complaint of riot against Smith, Greene, Dunham, Markham, and several others. Smith resisted the writ for about two weeks, while events unfolded that ultimately led to his declaration of martial law. On June 17 Markham gave an affidavit before the city recorder that a mob was gathering "to make an immediate attack" on Nauvoo. Smith used that affidavit as an excuse to order Greene and Dunham to "preserve the peace of" the "city" with "the police and the Legion." Two cohorts of the Nauvoo Legion assembled, and Smith declared martial law. On June 19, Smith commanded that a picket guard be posted on all roads leading out of Nauvoo. In addition, he wanted an inner guard posted along the riverbank and on all streets and alleys of the city.²²

Supposedly Greene exercised overall responsibility for Nauvoo's security, but Dunham and the Nauvoo Legion actually provided the manpower for the enforcement of public safety. The conundrum of whether the city police had taken over command of the Nauvoo Legion or the legion had absorbed the police force is illustrated by the fact that Dunham was also the high policeman. To add to the confusion, Stout

performed the command duties of acting brigadier general of the legion's second cohort, while Police Orderly Sergeant James P. Harmon served as the legion major in charge of the city's inner guard. The close linkage between the police and the legion is reminiscent of the French gendarmerie, France's military police responsible for the country's internal security.²³

With Bennett's revelations in 1842 and the *Expositor* affair in 1844, many non-Mormon residents of Hancock County became infuriated with Smith's actions. Armed anti-Mormons gathered at Carthage and began to appear in areas around Nauvoo. They demanded that Smith come to Carthage and answer the arrest warrant for riot. Hoping to defuse the conflict, Governor Ford wrote to Smith on June 22 promising safe passage to Carthage. After receiving Ford's letter, Smith started to make concessions. First, he rescinded martial law in Nauvoo. On June 25 he appeared at Carthage to answer the warrant. While he was in Carthage, Smith's enemies charged him with treason and incarcerated him in the county jail, where he was murdered by an anti-Mormon mob on June 27, 1844.²⁴

The chaos in Nauvoo finally began to subside on August 6 with the return of Young and a majority of the Quorum of the Twelve Apostles. On August 10 the city council met and elected Daniel Spencer to finish out Smith's mayoral term. The council also "subscribed about \$80.00" to pay Stout and the police for watching the city. On August 31 officers of the Nauvoo Legion elected Young lieutenant general and Rich major general. Greene died on September 10, and the city council, on September 14, selected Jonathan C. Wright as the new marshal. Thus, less than two months after Smith's death, Nauvoo had a new mayor, marshal, police captain, and lieutenant general of the legion. Of course, it should be remembered that both Stout and Rich had been Dunham's lieutenants

²²*History of the Church*, VI, 453-58, 460-61, 466-71, 488-94, 496-97, 505; Mahan, pp. 87, 90.

²³*History of the Church*, VI, 149, 493, 496-97, 505, 538.

²⁴*Ibid.*, VI, 538-41, 553-626; *Nauvoo Neighbor*, July 3, 1844, p. [1], cols. 4-6, p. [2], cols. 1-5; Thomas Ford, *A History of Illinois: From Its Commencement as a State in 1818 to 1847* (1854; rpt. Ann Arbor, Mich.: University Microfilms, 1968), p. 333.

when the city police force was first organized in December, 1843.²⁵

With Stout's promotion to police captain, the institution began to exhibit an increasingly powerful role as a guardian of law and order in Nauvoo. Young and other members of the Twelve Apostles evidently perceived the unit as a legal and legitimate way to maintain a body of armed men in the city of Nauvoo and yet be able to disclaim any renewed Mormon militarism. Those fears had some justification. On January 29, 1845, the Illinois General Assembly revoked the Nauvoo City Charter, abolishing the Nauvoo Legion, the police, the city marshal, and the constables. In preparation for just such an eventuality, the Twelve Apostles, the High Council of the Nauvoo Stake, the Church Trustee, the mayor, the police, and some legion officers had previously met at the Masonic Hall on November 11, 1844, where the group decided that a force of "400 policemen" should be raised to guard the city.²⁶

Spencer and the city council formally announced on January 13, 1845, the enlargement of the "city police" to "any number of men . . . not exceeding five hundred." By January 18, Stout reported "a meeting of some 200 police just raised" at the Seventies Hall. Then, on January 25, Stout said that he "went down to the Lodge where the 500 new policemen were to meet." Anti-Mormon Thomas Sharp had his suspicions about the new five-hundred-man police force. On January 29 he wrote in his newspaper, the *Warsaw Signal and Agri-*

cultural, Literary and Commercial Register, that "this includes about one fourth of the male population, and from its number shows that its object is more to screen thieves, than to ferret them out. A half dozen good officers in an honest community is better than a thousand. Why? because secrecy is necessary for an efficient police." So when the legislature took away the city charter, the Mormons still had an armed force to protect themselves.²⁷

Stout did not receive command of the new police force. Rather, he continued as captain of the old force, which was composed of some of the men who had first taken the oath as policemen in December, 1843. Markham seems to have been designated as the head of the new police.²⁸

By March 14 preparations were afoot to reorganize the new police into a Bishop and Deacons Guard. Evidently, Young and the Twelve Apostles decided to have quorums of twelve deacons under the leadership of a bishop keep watch in every church ward of Nauvoo. The Twelve Apostles formally ordained the new bishops at a March 24 meeting at the Concert Hall. The new guard seems to have been quite efficient. On April 14, Young wrote that "every part of the city is watched with the strictest care, and whatever time of night the streets are traveled at the corner of every block a deacon is found attending to his duty." Markham continued to have a role in the new organization because when bounty hunter Edward Bonney came to Nauvoo on the evening of May 12-13 to capture the Hodge brothers,

²⁵ *History of the Church*, VII, 228, 231n, 247-48, 265, 270-71, 275; *Doctrines and Covenants*, pp. 383-93, 429-47; *Nauvoo Neighbor*, Aug. 14, 1844, p. [9], cols. 2, 3. The Twelve Apostles were a traveling presiding high council that represented the church in all "four corners of the earth." Young had been president of the Twelve since January 19, 1841.

²⁶ *Warsaw Signal and Agricultural, Literary and Commercial Register*, Jan. 29, 1845, p. 2, col. 1; Flanders,

p. 324; *History of the Church*, VII, 368-69; Brooks, ed., I, 9, 19-20.

²⁷ *Times and Seasons*, Jan. 15, 1845, p. 774, col. 2, p. 775, cols. 1-2; *Nauvoo Neighbor*, Jan. 15, 1845, p. [91], col. 3; *History of the Church*, VII, 354, 356; Brooks, ed., I, 16-17; *Warsaw Signal and Agricultural, Literary and Commercial Register*, Jan. 29, 1845, p. 2, col. 2.

²⁸ Brooks, ed., I, 27.

he remembered dealing with Markham, the "Captain of the City Watch."²⁹

The creation of the new priestly policing organization enabled the Mormons to evade service in the Illinois Militia. Stout claimed that since the state had taken away Nauvoo's charter, the Saints did not want to perform "any more military duty." Illinois law states that "licensed ministers of the Gospel" were exempt from having to participate in militia musters; so Mormon bishops and deacons would not have to either. The Bishop and Deacons Guard may also have been a euphemism for the outlawed Nauvoo Legion. On September 14, 1845, Young wrote to Rich and addressed him as "President of all the Organized Quorums of the Church of Jesus Christ of Latter-day Saints in Hancock County."³⁰

Another shadowy policing organization that coexisted with the Bishop and Deacons Guard and the old police force in April, 1845, was the Whistling and Whittling Brigade. Members of the group would often gather around a stranger or a Mormon apostate who happened to be in Nauvoo. They then commenced whistling a tune and simultaneously started whittling a wooden stick with a large knife. The whistlers and whittlers continued to intimidate the suspicious person by following him all over

Nauvoo until the intended victim finally left the city. In October, 1845, Nathaniel Hopper, an anti-Mormon, remembered that in early April he had been in Nauvoo and witnessed the brigade in action. He claimed that the men in the group carried "a large stick or club" and "a bowie knife, or other knife with a blade 18 or 20 inches in length." The Mormon leadership evidently endorsed the actions of the boys and men in the brigade as a way to rid Nauvoo of undesirables.³¹

After the revocation of the city's charter, the old police force under the command of Stout was the only Nauvoo law enforcement agency with any pretense of legitimate legal authority. Technically, Nauvoo had no civil government from January 29 to April 16, 1845. On April 16, a mile square surrounding the temple was incorporated as the town of Nauvoo. The five new town trustees selected Stout and his old police force as the official guardians of law and order. The force did not formally take the oath of office until May 12, when Stout "met with the police at the Temple where we were all sworn into office as policemen of the Town of Nauvoo."³²

By 1845 the old police force had evolved into an efficient, well-armed, paramilitary provost guard. Some kind of building, watchhouse, station, barracks, or city jail existed for the policemen's use because on two occasions, on February 25 and March 16, Stout referred to "police quarters." Undoubtedly, the only written training materials the Nauvoo police utilized were Alexander Macomb's or Samuel Cooper's militia manual and Winfield Scott's *Infantry Tactics*, the same textbooks used by the Nauvoo Legion. The military orientation of the old police force can be measured by Stout's diary entry for April 5, when he "met the police to inspect their arms and then took them out and trained them awhile and then marched to the Mansion House." That clearly indicates that the police had

²⁹History of the Church, VII, 388, 399; Bonney, *The Banditti of the Prairies: A Tale of the Mississippi Valley*... (Chicago: D. B. Cooke & Co., 1856), p. 29.

³⁰Brooks, ed., I, 27; History of the Church, VII, 443-44.

³¹Thurman Dean Moody, "Nauvoo's Whistling and Whittling Brigade," *Brigham Young University Studies*, 15 (1974-1975), 480-90; *Warsaw Signal*, April 9 (p. 2, cols. 2-3), April 29 (p. 2, cols. 4-5), Oct. 22 (p. 2, col. 5), 1845.

³²History of the Church, VII, 396-97, 400; Brooks, ed., I, 29, 35, 38.



After the death of Joseph Smith, the home of Brigham Young became the focal point of Mormon authority. Young relied on the old police force as the Mormon church guard, while he made plans for the trek west.

weapons and received practice in close-order drill.³⁴

Little is known about the specific types of weapons utilized by members of the Nauvoo police force. In October, 1845, William Smith, the Prophet's brother, described the policemen as being "armed" with "Bowie knives, pistols, and hickory clubs."³⁵ On serious occasions the police probably had to resort to shoulder arms similar to the ones carried by the Nauvoo Legion. Reportedly, on June 29, 1844, Police First Corporal James Emmett stood guard with a musket at the midnight burial of Hyrum and Joseph Smith. Any smoothbore military muskets utilized by the Nauvoo police would have had a flintlock ignition system

and were probably either the .69 caliber United States Army Models 1795 and 1816, or the .75 caliber British India Pattern Brown Bess.³⁶

³⁴Brooks, ed., I, 29, 27, 32-33; *History of the Church*, VI, 117, 124; Sweeney, pp. 37, 86, 212; *The Centennial of the United States Military Academy at West Point, New York, 1802-1902* (1904; rpt. New York: Greenwood, 1969), II, 102, 220.

³⁵*Warsaw Signal*, Oct. 29, 1845, p. 1, col. 3.

³⁶*History of the Church*, VI, 149, 628; George D. Moller, *American Military Shoulder Arms: Volume II, from the 1790s to the End of the Flintlock Period* (Niwot: University Press of Colorado, 1993), pp. 81-80, 408-39; Anthony D. Darling, *Red Coat and Brown Bess* (Ottawa, Ontario, Canada: Museum Restoration Service, 1970), pp. 44-54.

No documentation has been found as to whether the Nauvoo police wore uniforms and badges. Most likely the men dressed in their everyday civilian clothing. If they had any type of uniform, it would very likely have been some variation of the round-about or shell jacket, a waist-length jacket worn by the New Orleans Gendarmerie in 1812 and by both the United States Army and the British Army in the 1840s.³⁶

During 1845 and early 1846, Young and the Twelve Apostles entrusted Stout and his old police force with the role of Mormon church guard detachment. Stout's men protected the Nauvoo Temple from sabotage and safeguarded the lives of the Twelve Apostles. Watching the Temple started as early as December 5, 1844, when Stout mentioned that on this evening "I patrolled on the hill with several policemen." One time the old police force performed its Temple duty with excessive force. During the night of April 2–3, 1845, certain members of the unit brutally pommelèd an intruder that they had found in the building. The incident sparked some public controversy in Nauvoo, but Stout defended his men by saying that he "had given orders to that effect in case anyone should be found in the

Temple after night." Young completely supported the old police force's actions and wanted them to continue to "guard the Temple."³⁷

An important mission of the old police force was to serve as a special protection group for the Twelve Apostles. On February 19, 1845, Stout wrote to Apostle Willard Richards that the "Old Police" consider it "their bounden duty not only to sustain you & all the Twelve, temporally as well as spiritually; but [to] guard you also against the violence of midnight assassins, who stalk abroad, as wolves in sheep's clothing." On February 25, Stout, with four policemen and three other men, left the city and rode to Macedonia to provide security for Young, Heber C. Kimball, and other church leaders on their return trip to Nauvoo. The importance of the old police force to Young can be measured by his September 16 statement "that he did not want any one to intercept the arrangements of the police, for they was his men and were to be let alone."³⁸

The safety of the Temple and the Twelve Apostles required much of the old police force's attention, but on occasion during 1845 they also performed other duties: maintaining order at the Church General Conference, looking out for stolen goods, providing crowd control at an animal exhibition, flogging three persons "not in good fellowship" with the church, piling Young's lumber to dry, digging Stout's cellar, making and presenting Young a carriage, guarding the Nauvoo House, building Young's stable, and arresting anyone walking the streets after dark and "stripping off their clothes" to determine "whether they are male or female."³⁹

In addition to their official responsibilities, members of the old police force also had time for socializing and entertainment. On several occasions during 1845, Stout wrote that he and the police had some beer or wine to drink. He also mentioned eating cake and watermelon. One afternoon, the

³⁶Rene Chartrand, *Uniforms and Equipment of the United States Forces in the War of 1812* (Youngstown, N.Y.: Old Fort Niagara Assoc., Inc., 1992), p. 155n; Philip R. N. Katcher and G. A. Embleton, *The Mexican-American War 1846–1848* (London: Osprey Pub. Ltd., 1976), pp. 9–10; Michael Barthorp and Pierre Turner, *The British Army on Campaign, 1816–1902 (I): 1816–1853* (London: Osprey Pub. Ltd., 1987), p. 15.

³⁷Brooks, ed., I, 11, 32.

³⁸Ibid., I, 23–24, 31, 63–64; *History of the Church*, VII, 375–77.

³⁹Brooks, ed., I, 33, 39, 46, 49, 53–55, 58, 69, 65.

policemen and their wives even got together for a special dinner. Evidently a crackdown on the consumption of alcohol began, because on September 26 Stout gave the old police force a lecture "showing the necessity of abstaining from the use of ardent Spirits."⁴⁰

By early October, 1845, Young and the Twelve Apostles had decided to abandon Nauvoo and remove the Mormon church to the Rocky Mountain West. The winter months of 1845–1846 were spent making preparations for the westward trek. In the spring of 1846 the Latter-day Saints crossed the Mississippi River into the Iowa Territory. During the last days of Mormon Nauvoo, Stout and his police continued to provide security and order.

The publicity of the Saints' departure evidently brought additional unwanted visitors to the city. On December 30, 1845, Young instructed Stout to create a mounted guard of fifty horsemen to patrol the city. That same day, Stout raised and equipped a force of twenty men that he divided into squads of six men, each under the command of a captain. Stout perceived the mounted guard as a replacement for the old police force. On January 22, 1846, he had members of the new group standing watch at the Temple in addition to patrolling the city and its suburbs. The mounted guard did not prove entirely adequate, however. On February 6, Young ordered Stout to organize "a body of troops ready to March (on foot) whenever they were needed." The next day Stout reported the size of "the guard & troops as" being nearly two hundred men.⁴¹

Another reason for Young's establishment of a mounted guard was that he wanted a mobile force under Stout's command to maintain and keep order on the overland

trails as the Mormons migrated westward. Stout and his men "superintended" the Saints' crossing of the Mississippi River on February 9–15, 1846, and then "acted as police for the [Sugar Creek] encampment" in Lee County, Iowa. On February 28, Young reported that Stout's men "were generally armed with rifles." Thus, it would seem that the policing skills that Stout learned in Mormon Nauvoo held him in good stead on the Latter-day Saint trek to Utah.⁴²

Policing in Nauvoo reflected many of the same patterns of community law enforcement common throughout early nineteenth-century America. At various times, and sometimes simultaneously, Nauvoo supported a regulator or vigilance committee, a militia unit, a marshal and constables, a night watch, a city police force, and a mounted guard—and perhaps unique to the Mormon city, the Bishop and Deacons Guard and the Whistling and Whittling Brigade. All of those organizations, whether legitimate policing institutions or extralegal groups, had the mission of providing security and order to the residents of Nauvoo. Without question, Smith and Young also used the city police force as an instrument of their religious authority. They saw the unit as necessary for internal security to prevent and suppress dissension among their Mormon followers.

⁴⁰Ibid., I, 16, 25, 29, 33, 34, 47, 50, 59, 74.

⁴¹Ibid., I, 100–01, 107–08, 112–23.

⁴²*History of the Church*, VII, 582, 602.